

# Senate Study Bill 1137

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON REDFERN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the judicial branch by changing procedures for  
2 appointing or nominating a judge, magistrate, or chief  
3 juvenile court officer, by authorizing the voluntary transfer  
4 of a district judge, by prohibiting members of a judicial  
5 nominating commission from voting on certain nominees, by  
6 apportioning judgeships among the judicial election districts,  
7 and by expanding the jurisdiction of a magistrate.  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
9 TLSB 3065XC 80  
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1 1 Section 1. Section 46.12, unnumbered paragraph 1, Code  
1 2 2003, is amended to read as follows:  
1 3 When a vacancy occurs or will occur within one hundred  
1 4 twenty days in the supreme court, the court of appeals, or  
1 5 district court, the state commissioner of elections shall  
1 6 forthwith so notify the chairperson of the proper judicial  
1 7 nominating commission, unless the chief justice has ordered  
1 8 the state commissioner of elections to delay sending the  
1 9 notification. The chief justice may order the delay for up to  
1 10 one hundred eighty days for budgetary reasons. The  
1 11 chairperson shall call a meeting of the commission within ten  
1 12 days after such notice; if the chairperson fails to do so, the  
1 13 chief justice shall call such meeting.  
1 14 Sec. 2. Section 46.14, Code 2003, is amended to read as  
1 15 follows:  
1 16 46.14 NOMINATION.  
1 17 1. Each judicial nominating commission shall carefully  
1 18 consider the individuals available for judge, and within sixty  
1 19 days after receiving notice of a vacancy shall certify to the  
1 20 governor and the chief justice the proper number of nominees,  
1 21 in alphabetical order. Such nominees shall be chosen by the  
1 22 affirmative vote of a majority of the full statutory number of  
1 23 commissioners upon the basis of their qualifications and  
1 24 without regard to political affiliation. Nominees shall be  
1 25 members of the bar of Iowa, shall be residents of the state or  
1 26 district of the court to which they are nominated, and shall  
1 27 be of such age that they will be able to serve an initial and  
1 28 one regular term of office to which they are nominated before  
1 29 reaching the age of seventy-two years. Nominees for district  
1 30 judge shall file a certified application form, to be provided  
1 31 by the supreme court, with the chairperson of the district  
1 32 judicial nominating commission. ~~No person shall be eligible~~  
1 33 ~~for nomination by a commission as judge during the term for~~  
1 34 ~~which the person was elected or appointed to that commission.~~  
1 35 Absence of a commissioner or vacancy upon the commission shall  
2 1 not invalidate a nomination. The chairperson of the  
2 2 commission shall promptly certify the names of the nominees,  
2 3 in alphabetical order, to the governor and the chief justice.  
2 4 2. A commissioner shall not be eligible for nomination by  
2 5 the commission during the term for which the commissioner was  
2 6 elected or appointed to that commission. A commissioner shall  
2 7 not be eligible to vote for the nomination of a family member,  
2 8 current or former law partner, or current or former business  
2 9 partner. For purposes of this subsection, "family member"  
2 10 means a spouse, son, daughter, brother, sister, uncle, aunt,  
2 11 first cousin, nephew, niece, father-in-law, mother-in-law,  
2 12 son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
2 13 father, mother, stepfather, stepmother, stepson, stepdaughter,  
2 14 stepbrother, stepsister, half brother, or half sister.  
2 15 Sec. 3. Section 602.1217, subsection 1, Code 2003, is  
2 16 amended to read as follows:  
2 17 1. ~~The district judges within a judicial district, by~~

2 18 majority vote, chief judge of the judicial district shall  
2 19 appoint a chief juvenile court officer and may remove the  
2 20 officer for cause.

2 21 Sec. 4. Section 602.1501, subsection 4, Code 2003, is  
2 22 amended to read as follows:

2 23 4. District associate judges shall receive the salary set  
2 24 by the general assembly. ~~However, an alternate district~~  
2 25 ~~associate judge whose appointment is authorized under section~~  
2 26 ~~602.6303 shall receive a salary for each day of actual duty~~  
2 27 ~~equal to a district associate judge's daily salary.~~

2 28 Sec. 5. Section 602.1604, Code 2003, is amended to read as  
2 29 follows:

2 30 602.1604 JUDGES SHALL NOT PRACTICE LAW.

2 31 While holding office, a supreme court justice, court of  
2 32 appeals judge, district judge, or district associate judge  
2 33 shall not practice as an attorney or counselor or give advice  
2 34 in relation to any action pending or about to be brought in  
2 35 any of the courts of the state. ~~A person whose appointment as~~  
3 1 ~~an alternate district associate judge is authorized under~~  
3 2 ~~section 602.6303 may practice law except when actually serving~~  
3 3 ~~as a district associate judge.~~

3 4 Sec. 6. Section 602.1611, subsection 2, Code 2003, is  
3 5 amended by striking the subsection.

3 6 Sec. 7. Section 602.6201, subsections 5 and 6, Code 2003,  
3 7 are amended to read as follows:

3 8 5. ~~In those judicial election districts having more~~  
3 9 ~~district judges than the number of judgeships specified by the~~  
3 10 ~~formula in subsection 3, vacancies shall not be filled If a~~  
3 11 ~~vacancy in a judgeship occurs, the judgeship shall be~~  
3 12 ~~apportioned to the judicial election district having the~~  
3 13 ~~greatest numerical disparity between authorized judgeships and~~  
3 14 ~~judgeships specified by the formula in subsection 3, as~~  
3 15 ~~calculated by the state court administrator. If two or more~~  
3 16 ~~judicial election districts have an equal numerical disparity~~  
3 17 ~~between authorized judgeships and judgeships specified by the~~  
3 18 ~~formula, the judgeship shall be apportioned to the judicial~~  
3 19 ~~election district with greatest percentage of need in terms of~~  
3 20 ~~authorized judgeships filled and judgeships specified by the~~  
3 21 ~~formula as calculated by the state court administrator.~~

3 22 6. ~~In those judicial election districts having fewer or~~  
3 23 ~~the same number of district judges as the number of judgeships~~  
3 24 ~~specified by the formula in subsection 3, vacancies in the~~  
3 25 ~~number of district judges shall be filled as they occur.~~

3 26 ~~Notwithstanding any other provision of the Code to the~~  
3 27 ~~contrary, if the chief justice of the supreme court determines~~  
3 28 ~~an inequity exists in the allocation of judgeships and~~  
3 29 ~~judicial workload between judicial election districts, the~~  
3 30 ~~chief justice may authorize a voluntary permanent transfer of~~  
3 31 ~~a district judge from one judicial election district to~~  
3 32 ~~another. The chief justice shall notify all eligible district~~  
3 33 ~~judges of the intent to authorize a voluntary permanent~~  
3 34 ~~transfer and the terms of such a transfer. The chief justice~~  
3 35 ~~may transfer a district judge who consents to the transfer~~

4 1 ~~within six months of the notification. The transfer of a~~  
4 2 ~~district judge shall take effect within sixty days of the~~  
4 3 ~~official announcement of the transfer by the chief justice. A~~  
4 4 ~~district judge transferred pursuant to this subsection shall~~  
4 5 ~~have six months from the date of the announcement of the~~  
4 6 ~~transfer to establish residency in the judicial election~~  
4 7 ~~district where the district judge is transferred. A district~~  
4 8 ~~judge who has been transferred shall stand for retention in~~  
4 9 ~~the judicial election district to which the district judge has~~  
4 10 ~~been transferred as provided in chapter 46. For purposes of~~  
4 11 ~~subsection 3, the judgeship shall be apportioned to the~~  
4 12 ~~judicial election district where the judge is transferred. A~~  
4 13 ~~voluntary transfer pursuant to this subsection shall not cause~~  
4 14 ~~a vacancy of a judgeship in the judicial election district~~  
4 15 ~~from which the district judge was transferred.~~

4 16 Sec. 8. Section 602.6201, subsection 7, Code 2003, is  
4 17 amended by striking the subsection.

4 18 Sec. 9. Section 602.6201, subsection 8, Code 2003, is  
4 19 amended to read as follows:

4 20 8. ~~Vacancies shall not be filled in a judicial election~~  
4 21 ~~district which becomes entitled to fewer judgeships under~~  
4 22 ~~subsection 3, but an An incumbent district judge shall not be~~  
4 23 ~~removed from office because of a reduction in the number of~~  
4 24 ~~authorized judgeships.~~

4 25 Sec. 10. Section 602.6301, Code 2003, is amended to read  
4 26 as follows:

4 27 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE  
4 28 JUDGES.

4 29 There shall be one district associate judge in counties  
4 30 having a population of more than thirty-five thousand and less  
4 31 than eighty thousand; two in counties having a population of  
4 32 eighty thousand or more and less than one hundred twenty-five  
4 33 thousand; three in counties having a population of one hundred  
4 34 twenty-five thousand or more and less than two hundred  
4 35 thousand; four in counties having a population of two hundred  
5 1 thousand or more and less than two hundred thirty-five  
5 2 thousand; five in counties having a population of two hundred  
5 3 thirty-five thousand or more and less than two hundred seventy  
5 4 thousand; six in counties having a population of two hundred  
5 5 seventy thousand or more and less than three hundred five  
5 6 thousand; and seven in counties having a population of three  
5 7 hundred five thousand or more. However, a county shall not  
5 8 lose a district associate judgeship solely because of a  
5 9 reduction in the county's population. If the formula provided  
5 10 in this section results in the allocation of an additional  
5 11 district associate judgeship to a county, implementation of  
5 12 the allocation shall be subject to prior approval of the  
5 13 supreme court and availability of funds to the judicial  
5 14 branch. A district associate judge appointed pursuant to  
5 15 section 602.6302 ~~or 602.6303~~ shall not be counted for purposes  
5 16 of this section.

5 17 Sec. 11. Section 602.6304, subsections 1, 2, and 3, Code  
5 18 2003, are amended to read as follows:

5 19 1. The district associate judges authorized by sections  
5 20 602.6301, ~~and 602.6302, and 602.6303~~ shall be appointed by the  
5 21 district judges of the judicial election district from persons  
5 22 nominated by the county magistrate appointing commission. In  
5 23 the case of a district associate judge to be appointed to more  
5 24 than one county, the appointment shall be from persons  
5 25 nominated by the county magistrate appointing commissions  
5 26 acting jointly and in the case of a district associate judge  
5 27 to be appointed to more than one judicial election district of  
5 28 the same judicial district, the appointment shall be by a  
5 29 majority of the district judges in each judicial election  
5 30 district.

5 31 2. In November of any year in which an impending vacancy  
5 32 is created because a district associate judge is not retained  
5 33 in office pursuant to a judicial election, the county  
5 34 magistrate appointing commission shall publicize notice of the  
5 35 vacancy in at least two publications in the official county  
6 1 newspaper. The commission shall accept applications for  
6 2 consideration for nomination as district associate judge for a  
6 3 minimum of fifteen days prior to certifying nominations. The  
6 4 commission shall consider the applications and shall, by  
6 5 majority vote, certify to the chief judge of the judicial  
6 6 district not later than December 15 of that year the names of  
6 7 three applicants who are nominated by the commission for the  
6 8 vacancy, unless the chief justice has ordered the commission  
6 9 to delay the certification of the nominees to the chief judge.  
6 10 The chief justice may order the delay of the certification for  
6 11 up to one hundred eighty days for budgetary reasons. If there  
6 12 are three or fewer applicants the commission shall certify all  
6 13 applicants who meet the statutory qualifications. Nominees  
6 14 shall be chosen solely on the basis of the qualifications of  
6 15 the applicants, and political affiliation shall not be  
6 16 considered.

6 17 3. Within thirty days after a county magistrate appointing  
6 18 commission receives notification of an actual or impending  
6 19 vacancy in the office of district associate judge, other than  
6 20 a vacancy referred to in subsection 2, the commission shall  
6 21 certify to the chief judge of the judicial district the names  
6 22 of three applicants who are nominated by the commission for  
6 23 the vacancy, unless the chief justice has ordered the  
6 24 commission to delay the certification of the nominees to the  
6 25 chief judge. The chief justice may order the delay of the  
6 26 certification for up to one hundred eighty days for budgetary  
6 27 reasons. The commission shall publicize notice of the vacancy  
6 28 in at least two publications in the official county newspaper.  
6 29 The commission shall accept applications for consideration for  
6 30 nomination as district associate judge for a minimum of  
6 31 fifteen days prior to certifying nominations. The commission  
6 32 shall consider the applications and shall, by majority vote,  
6 33 certify to the chief judge of the judicial district the names  
6 34 of three applicants who are nominated by the commission for  
6 35 the vacancy. If there are three or fewer applicants the  
7 1 commission shall certify all applicants who meet the statutory  
7 2 qualifications. Nominees shall be chosen solely on the basis  
7 3 of the qualifications of the applicants, and political  
7 4 affiliation shall not be considered. As used in this

7 5 subsection, a vacancy is created by the death, retirement,  
7 6 resignation, or removal of a district associate judge, or by  
7 7 an increase in the number of positions authorized.

7 8 Sec. 12. Section 602.6403, subsection 3, Code 2003, is  
7 9 amended to read as follows:

7 10 3. Within thirty days following receipt of notification of  
7 11 a vacancy in the office of magistrate, the commission shall  
7 12 appoint a person to the office to serve the remainder of the  
7 13 unexpired term, unless the chief justice has ordered the  
7 14 commission to delay the appointment for up to one hundred  
7 15 eighty days for budgetary reasons. For purposes of this

7 16 section, vacancy means a death, resignation, retirement, or  
7 17 removal of a magistrate, or an increase in the number of  
7 18 positions authorized.

7 19 Sec. 13. Section 602.6405, subsection 1, Code 2003, is  
7 20 amended to read as follows:

7 21 1. Magistrates have jurisdiction of simple misdemeanors,  
7 22 including traffic and ordinance violations, and preliminary  
7 23 hearings, search warrant proceedings, county and municipal  
7 24 infractions, and small claims. Magistrates have jurisdiction  
7 25 to determine the disposition of livestock or another animal,  
7 26 as provided in sections 717.5 and 717B.4, if the magistrate  
7 27 determines the value of the livestock or animal is less than  
7 28 ten thousand dollars. Magistrates have jurisdiction to  
7 29 exercise the powers specified in sections 556F.2 and 556F.12,  
7 30 and to hear complaints or preliminary informations, issue  
7 31 warrants, order arrests, make commitments, and take bail.

7 32 Magistrates have jurisdiction over violations of section  
7 33 123.49, subsection 2, paragraph "h". ~~Magistrates who are~~  
7 34 ~~admitted to the practice of law in this state have~~

7 35 jurisdiction over all proceedings for the involuntary  
8 1 commitment, treatment, or hospitalization of individuals under  
8 2 chapters 125 and 229, except as otherwise provided under  
8 3 section 229.6A; ~~nonlawyer magistrates have jurisdiction and~~  
8 4 ~~over emergency detention and hospitalization proceedings under~~  
8 5 ~~sections 125.91 and 229.22 proceedings under chapter 236.~~  
8 6 Magistrates have jurisdiction to conduct hearings authorized  
8 7 under section 809.4.

8 8 Sec. 14. Section 602.7103B, subsections 2 and 3, Code  
8 9 2003, are amended to read as follows:

8 10 2. In November of any year in which an impending vacancy  
8 11 is created because a full-time associate juvenile judge is not  
8 12 retained in office pursuant to a judicial election, the county  
8 13 magistrate appointing commission shall publicize notice of the  
8 14 vacancy in at least two publications in the official county  
8 15 newspaper. The commission shall accept applications for  
8 16 consideration for nomination as full-time associate juvenile  
8 17 judge for a minimum of fifteen days prior to certifying  
8 18 nominations. The commission shall consider the applications  
8 19 and shall, by majority vote, certify to the chief judge of the  
8 20 judicial district not later than December 15 of that year the  
8 21 names of three applicants who are nominated by the commission  
8 22 for the vacancy, unless the chief justice has ordered the  
8 23 commission to delay the certification of the nominees to the

8 24 chief judge. The chief justice may order the delay of the  
8 25 certification for up to one hundred eighty days for budgetary  
8 26 reasons. If there are three or fewer applicants, the

8 27 commission shall certify all applicants who meet the statutory  
8 28 qualifications. Nominees shall be chosen solely on the basis  
8 29 of the qualifications of the applicants, and political  
8 30 affiliation shall not be considered.

8 31 3. Within thirty days after a county magistrate appointing  
8 32 commission receives notification of an actual or impending  
8 33 vacancy in the office of full-time associate juvenile judge,  
8 34 other than a vacancy referred to in subsection 2, the  
8 35 commission shall certify to the chief judge of the judicial  
9 1 district the names of three applicants who are nominated by  
9 2 the commission for the vacancy, unless the chief justice has  
9 3 ordered the commission to delay the certification of the  
9 4 nominees to the chief judge. The chief justice may order the  
9 5 delay of the certification for up to one hundred eighty days  
9 6 for budgetary reasons. The commission shall publicize notice

9 7 of the vacancy in at least two publications in the official  
9 8 county newspaper. The commission shall accept applications  
9 9 for consideration for nomination as full-time associate  
9 10 juvenile judge for a minimum of fifteen days prior to  
9 11 certifying nominations. The commission shall consider the  
9 12 applications and shall, by majority vote, certify to the chief  
9 13 judge of the judicial district the names of three applicants  
9 14 who are nominated by the commission for the vacancy. If there  
9 15 are three or fewer applicants, the commission shall certify

9 16 all applicants who meet the statutory qualifications.  
9 17 Nominees shall be chosen solely on the basis of the  
9 18 qualifications of the applicants, and political affiliation  
9 19 shall not be considered. As used in this subsection, a  
9 20 vacancy is created by the death, retirement, resignation, or  
9 21 removal of a full-time associate juvenile judge, or by an  
9 22 increase in the number of positions authorized.

9 23 Sec. 15. Section 633.20B, subsections 2 and 3, Code 2003,  
9 24 is amended to read as follows:

9 25 2. In November of any year in which an impending vacancy  
9 26 is created because a full-time associate probate judge is not  
9 27 retained in office pursuant to a judicial election, the county  
9 28 magistrate appointing commission shall publicize notice of the  
9 29 vacancy in at least two publications in the official county  
9 30 newspaper. The commission shall accept applications for  
9 31 consideration for nomination as full-time associate probate  
9 32 judge for a minimum of fifteen days prior to certifying  
9 33 nominations. The commission shall consider the applications  
9 34 and shall, by majority vote, certify to the chief judge of the  
9 35 judicial district not later than December 15 of that year the  
10 1 names of three applicants who are nominated by the commission  
10 2 for the vacancy, unless the chief justice has ordered the  
10 3 commission to delay the certification of the nominees to the  
10 4 chief judge. The chief justice may order the delay of the  
10 5 certification for up to one hundred eighty days for budgetary  
10 6 reasons. If there are three or fewer applicants, the  
10 7 commission shall certify all applicants who meet the statutory  
10 8 qualifications. Nominees shall be chosen solely on the basis  
10 9 of the qualifications of the applicants, and political  
10 10 affiliation shall not be considered.

10 11 3. Within thirty days after a county magistrate appointing  
10 12 commission receives notification of an actual or impending  
10 13 vacancy in the office of full-time associate probate judge,  
10 14 other than a vacancy referred to in subsection 2, the  
10 15 commission shall certify to the chief judge of the judicial  
10 16 district the names of three applicants who are nominated by  
10 17 the commission for the vacancy, unless the chief justice has  
10 18 ordered the commission to delay the certification of the  
10 19 nominees to the chief judge. The chief justice may order the  
10 20 delay of the certification for up to one hundred eighty days  
10 21 for budgetary reasons. The commission shall publicize notice  
10 22 of the vacancy in at least two publications in the official  
10 23 county newspaper. The commission shall accept applications  
10 24 for consideration for nomination as full-time associate  
10 25 probate judge for a minimum of fifteen days prior to  
10 26 certifying nominations. The commission shall consider the  
10 27 applications and shall, by majority vote, certify to the chief  
10 28 judge of the judicial district the names of three applicants  
10 29 who are nominated by the commission for the vacancy. If there  
10 30 are three or fewer applicants, the commission shall certify  
10 31 all applicants who meet the statutory qualifications.  
10 32 Nominees shall be chosen solely on the basis of the  
10 33 qualifications of the applicants, and political affiliation  
10 34 shall not be considered. As used in this subsection, a  
10 35 vacancy is created by the death, retirement, resignation, or  
11 1 removal of a full-time associate probate judge, or by an  
11 2 increase in the number of positions authorized.

11 3 Sec. 16. Section 602.6303, Code 2003, is repealed.

11 4 EXPLANATION

11 5 This bill relates to procedures for appointing judgeships  
11 6 and magistrates, to the voluntary transfer of judgeships, to  
11 7 the apportionment of judgeships among judicial election  
11 8 districts, to the appointment of a juvenile court officer, and  
11 9 to the jurisdiction of a magistrate.

11 10 DELAY OF APPOINTMENT. The bill permits the chief justice  
11 11 of the supreme court to delay, by up to 180 days, the  
11 12 nomination process of a judge for appointment to the Iowa  
11 13 supreme court, court of appeals, or district court for  
11 14 budgetary reasons. Current law requires that nominees to the  
11 15 supreme court, court of appeals, or district court be  
11 16 certified to the governor for appointment within 60 days of  
11 17 the nominating commission receiving notice of a vacancy. The  
11 18 bill also permits the chief justice of the supreme court for  
11 19 budgetary reasons to delay, by up to 180 days, the appointment  
11 20 process to fill a vacancy for a district associate judge,  
11 21 magistrate, full-time associate juvenile judge, or probate  
11 22 judge.

11 23 NOMINATING COMMISSION. The bill also prohibits a member of  
11 24 a judicial nominating commission from nominating a family  
11 25 member, current or former law partner, or business partner,  
11 26 for a judgeship.

11 27 CHIEF JUVENILE COURT OFFICER APPOINTMENT. The bill changes  
11 28 the method in which a chief juvenile court officer is  
11 29 appointed. The bill permits the chief judge to appoint the  
11 30 chief juvenile court officer and to remove the officer for  
11 31 cause. The chief juvenile officer under current law is  
11 32 appointed by a majority vote of all the district court judges  
11 33 in the judicial district.

11 34 ALTERNATE DISTRICT ASSOCIATE JUDGE. The bill eliminates  
11 35 the position of alternate district associate judge. Current  
12 1 law provides that if a county has only one district associate  
12 2 judge, an alternate district associate judge may be appointed.  
12 3 An alternate district associate judge under current law may  
12 4 practice law except when actually serving as an alternate  
12 5 district associate judge.

12 6 APPORTIONMENT OF DISTRICT JUDGES. The bill requires a  
12 7 newly vacant judgeship to be apportioned to the judicial  
12 8 election district having the greatest numerical disparity  
12 9 between authorized judgeships and judgeships specified by the  
12 10 formula in Code section 602.6201, subsection 3. The bill  
12 11 provides that if two or more judicial election districts have  
12 12 an equal numerical disparity between authorized judgeships and  
12 13 judgeships specified by the formula, the judgeship shall be  
12 14 apportioned to the judicial election district with the  
12 15 greatest percentage of need in terms of authorized judgeships  
12 16 filled and judgeships specified by the formula as calculated  
12 17 by the state court administrator.

12 18 VOLUNTARY TRANSFER OF DISTRICT JUDGES. The bill provides  
12 19 that if the chief justice of the supreme court determines an  
12 20 inequity exists in the allocation of judgeships and judicial  
12 21 workload between judicial election districts, the chief  
12 22 justice may authorize a voluntary permanent transfer of a  
12 23 district judge from one judicial election district to another.  
12 24 The chief justice shall notify all eligible district judges of  
12 25 the intent to authorize a voluntary transfer. The chief  
12 26 justice may permanently transfer a district judge who consents  
12 27 to the transfer within six months of the notification to  
12 28 authorize such a transfer. The bill provides that the  
12 29 transfer of a district judge shall take effect within 60 days  
12 30 of the official announcement of the transfer. Under the bill  
12 31 a district judge who transfers shall establish a residency in  
12 32 the new judicial election district within six months of the  
12 33 official announcement of the transfer. A district judge who  
12 34 is transferred shall stand for retention in the new judicial  
12 35 election district.

13 1 MAGISTRATE JURISDICTION. The bill expands the jurisdiction  
13 2 of magistrates, including magistrates who have not been  
13 3 admitted to the practice of law in the state. The bill  
13 4 permits a magistrate who has not been admitted to the practice  
13 5 of law to have jurisdiction in all mental health or substance  
13 6 abuse commitment or treatment proceedings in Code chapter 125  
13 7 or 229 except for juveniles. The bill also provides that all  
13 8 magistrates have jurisdiction over emergency proceedings in  
13 9 domestic abuse cases under Code chapter 236. A magistrate  
13 10 does not have jurisdiction in domestic abuse-related cases in  
13 11 Code chapter 236 under current law.

13 12 LSB 3065XC 80  
13 13 jm/sh/8